was one which the public had a right to hear, then the defendant had the right in the public interest to report it, the burden not being upon him to determine doubtful questions of law as to the jurisdiction.

MASTER AND SERVANT—PROCUREMENT OF DISCHARGE WHERE CONTRACT IS TERMINABLE AT WILL.—The defendant maliciously procured the discharge of the plaintiff from her employment, which was for an indefinite time. *Held,* he is liable in damages, though the plaintiff had no right of action against her employer. *Warschauser* v. *Brooklyn Furniture Co.,* 144 N. Y. Supp. 257 (App. Div.).

In such cases the right of the employer to discharge the employee is generally held to be immaterial. *Chambers* v. *Probst,* 145 Ky. 381, 140 S. W. 572; *Moran* v. *Dunphy,* 177 Mass. 485, 59 N. E. 125, 83 Am. St. Rep. 289, 52 L. R. A. 115; *Perkins* v. *Pendleton,* 90 Me. 166, 38 Atl. 96, 60 Am. St. Rep. 252. *Contra, Holder* v. *Cannon Mfg. Co.,* 138 N. C. 308, 50 S. E. 681.

But if the discharge is procured by a threat to exercise a legal right, it is said to be *damnum absque injuria. Tennessee, etc., Co.* v. *Kelly,* 163 Ala. 348, 50 So. 1008; *Raycroft* v. *Tayntor,* 68 Vt. 219, 35 Atl. 53, 54 Am. St. Rep. 882, 33 L. R. A. 225; *O'Brien* v. *Telegraph Co.,* 62 Wash. 598, 114 Pac. 441. Hence there is no right of action against union laborers who procure the plaintiff's discharge by threatening to strike, if the threat is unaccompanied by illegal acts. *Wunch* v. *Shankland,* 59 App. Div. 482, 69 N. Y. Supp. 349; *Kemp* v. *Association,* 225 Ill. 213, 99 N. E. 389 (injunction proceedings). And see *Carter* v. *Oster,* 134 Mo. App. 146, 112 S. W. 995; *Lucke* v. *Cutters' Assembly,* 77 Md. 396, 26 Atl. 505.

But whether a threat to exercise a legal right becomes itself illegal if actuated by malevolent motives is not well settled. It was formerly held that bad motive of itself could not make a tort out of a legal act. COOLEY, TORTS, § 17; *Allen* v. *Flood,* [1898] A. C. 1, 92, 151; *Jenkins* v. *Fowler,* 24 Pa. St. 308. But in recent years the rule stated has been frequently disregarded. *Webb* v. *Drake,* 52 La. Ann. 290, 26 So. 790; *Plant* v. *Woods,* 176 Mass. 492, 57 N. E. 1011; *Delz* v. *Winfree,* 80 Tex. 400, 16 S. W. 111. See 18 HARV. LAW REV. 411; 28 AM. LAW REV. 47.

If the discharge is procured for a cause connected with the employment, the defendant's motives are immaterial. *Lancaster* v. *Hamburger,* 70 Ohio St. 156, 71 N. E. 289, 65 L. R. A. 856.

MUNICIPAL CORPORATIONS — ABUTTING PROPERTY OWNERS — VALIDITY OF MUNICIPAL ORDINANCE ESTABLISHING PUBLIC HACK STANDS.—Pursuant to a city ordinance, a public hack stand was established in front of an abutting hotel owner's premises, without the latter's consent. *Held,* the ordinance is a valid street ordinance. *Hotel Astor* v. *City of New York,* 144 N. Y. Supp. 494 (App. Div.).

An abutting owner has property in the street to the extent of an easement of light, air, and access. Of this he cannot be deprived without just compensation. This is true even when the municipality owns the title in fee to the street. *Adams* v. *Chicago, etc., Ry. Co.,* 39 Minn. 286, 39 N. W. 629, 12 Am. St. Rep. 644; *Abendroth* v. *Manhattan, etc., Ry.*

Co., 122 N. Y. 1, 25 N. E. 496, 19 Am. St. Rep. 461, 11 L. R. A. 634. As a general rule, any permanent obstruction in the street, causing an abutting owner special inconvenience, is a nuisance, and may be enjoined. *Schopp* v. *City of St. Louis*, 117 Mo. 131, 22 S. W. 898, 20 L. R. A. 783. There is an apparent conflict as to whether public hack stands constitute such a nuisance. In Ohio, and also in New York where the fee is in the abutting owner, a bill for an injunction was sustained. *Branahan* v. *Hotel Co.*, 39 Ohio St. 333, 48 Am. Rep. 45; *McCaffrey* v. *Smith*, 41 Hun. (N. Y.) 117. In these cases the use made of the street was unnecessary. In business districts of large cities, however, where public hack stands are highly expedient for the needs of the traveling public, it would seem that such an ordinance as the one questioned in the principal case is unobjectionable, and that abutting owners would have no ground for complaint, as long as there is no unreasonable obstruction to their easement of access. It seems that a different rule should apply in residential districts.

MUNICIPAL ORDINANCES—REGULATION OF RATE OF FARE OF PUBLIC CARRIERS.—A statute conferred upon the authorities of a municipality the power "to regulate the rate of fare" to be charged by owners of motor vehicles. Pursuant to this authority an ordinance was enacted fixing a schedule of rates. The rates were attacked as unreasonable and confiscatory. *Held*, the ordinance is a valid regulation and within the police power of the state. *Yellow Taxicab Co.* v. *Gaynor*, 144 N. Y. Supp. 299 (App. Div.).

It is settled that the legislature may regulate the use of the public highways, may impose any reasonable condition it sees fit upon their use, and may even entirely prohibit the operation of motor vehicles thereon. This right to regulate is within the police power of the state as affecting the public safety. See *ante*, p. 79 The court in the principal case, basing its decision upon this principle, held that since it is within the power of the legislature to prohibit entirely the use of motor vehicles upon the public highways, it has the lesser power of fixing arbitrarily the rate of fare to be charged. The court, however, failed to note the distinction between the power to regulate for purposes of the public safety and the power to regulate because of the quasi-public character of the business affected. The right to regulate the rate of fare to be charged by owners of motor vehicles is based upon the public character of that business, and not upon the grounds of public safety.

It is settled that in fixing the maximum rate of fare which public carriers may charge, the rate fixed must be reasonable. A rate so low as to prohibit the carrying on of the business profitably amounts to the taking of private property for public use without due process of law. *Railroad Commission Cases*, 116 U. S. 307, 325, 331; *Reagan* v. *Farmers' Loan & Trust Co.*, 154 U. S. 362; *Smyth v. Ames*, 169 U. S. 466. Therefore, in so far as the decision in the principal case would seem to hold that the rate of fare to be charged could be fixed without regard to its reasonableness, the decision would seem to be erroneous.